



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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RETURN RECEIPT REQUESTED

APR 05 2006

Mike Huddleston
Manager
Plains Feeders, Inc.
48529 Road S
Burlington, CO 80807

**RE: Closure of Administrative Order
Plains Feeders, Inc.
CWA-08-2004-0072**

Dear Mr. Huddleston:


On September 29, 2004, the U.S. Environmental Protection Agency ("EPA") issued an Administrative Order ("Order"), EPA Docket Number CWA-08-2004-0072, to Plains Feeders, Inc. ("Plains Feeders"). The Order required Plains Feeders to comply with the federal Concentrated Animal Feeding Operation ("CAFO") regulations found in 40 C.F.R. §122.23.

As you may already be aware, due to recent changes to CAFO regulations brought about from a U.S. Second Circuit Court of Appeals ruling on February 28, 2005, the duty to apply for an NPDES permit has been vacated. This means that now only CAFOs that discharge or propose to discharge are required to obtain NPDES permit coverage. Due to this change in the CAFO regulations, the duty to apply requirements in Order CWA 08-2004-0072 are no longer required, and we are closing the Order.

Discharges without an NPDES permit are violations of the Clean Water Act and under section 309 of the Act, may be subject to civil penalties of up to \$32,500 per day of violation. Under section 309(c)(4) of the Act, 33 USC § 1319(c)(4), criminal actions may be punishable by a fine and/or imprisonment. Discharges to waters of the U.S. without an NPDES permit are strictly prohibited.

If you proceed with an NPDES permit application, please collaborate with Erin Pease of the Colorado Department of Public Health and Environment's Environmental Ag Program at 303-692-3523. If you have any questions concerning this letter, please contact Jennifer Meints of my staff at 303-312-6334.

Sincerely,


for Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

cc: Phyllis Woodford, CDPHE
Derek Godsey, AGPROfessionals, LLC